

In the High Court of Punjab and Haryana at Chandigarh.

C.R No.4105 of 2007

Date of decision: 16.08.2007.

Varun Electronics, Kunjpura Road, Karnal. Petitioner.

Versus

M/sDaewoo Anchor Electronics Limited, Faridabad. Respondent.

Present: Mr.Puneet Gupta, Advocate,
for the petitioner.

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PERMOD KOHLI, J. (Oral):

This revision is directed against the order dated 15.05.2007, Annexure P-6, whereby the learned Civil Judge (Senior Division), Faridabad, has rejected the application of the petitioner-defendant for dismissal of the suit and rejection of the plaint in terms of Order 7 Rule 11 of the Code of Civil Procedure, on the ground that the Courts at Faridabad does not have the territorial jurisdiction. According to the petitioner, no cause of action accrued within the territorial jurisdiction of the Courts at Faridabad. It is argued at length by the learned counsel that the dispute between the parties relate to the Memorandum Of Understanding which

was signed by the parties at Karnal and, thus, it is only the Courts at Karnal which can exercise the jurisdiction and take cognizance of the dispute. The learned Trial Court has referred to certain documents which were issued at Faridabad. In paragraph 16 of the plaint, it is specifically alleged that goods were sold and supplied at Faridabad; the orders were placed at Faridabad and the payments/ amounts were agreed to be made at Faridabad, though in paragraph 5 of the plaint, reference is made to the Memorandum Of

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Understanding dated 04.05.2001 which was, admittedly, executed at Karnal. It is stated on behalf of petitioner-defendant that the averments made in paragraph 16 are incorrect. But the learned Trial Court found these averments supported by documents on record and accordingly held that the question of jurisdiction in the present case is a mixed question of law and facts and can only be decided after the evidence is led by the parties. It was under these circumstances, the Court framed the issues including the issue of jurisdiction and asked the parties to lead evidence. There are specific averments to the effect that part of cause of action accrued at Faridabad as certain acts are attributed to the parties at Faridabad. This fact is also supported with some of the documents referred to by the learned Trial Court. In these circumstances, the learned trial Court has rightly rejected

the application and framed an issue on the jurisdiction and proceeded to try the suit.

In view of the above, I find no merit in this revision petition and the same is hereby dismissed with no order as to costs.

(PERMOD KOHLI)
JUDGE

August 16, 2007.
BLS